

REMARKS**Summary of Amendments to the Claims**

1. Claims 1-13, 15-16, 24, 27, 29, 37, 41-42, have been canceled.
2. Claim 14 has been amended to:
 - a. correct the spelling of "separating";
 - b. more clearly define the thermally imageable layer; and
 - c. change the lower limit of the number average molecular weight of the crosslinkable binder from 1,500 to 10,000.
3. Claim 17 has been amended to correct the spelling of "applying."
4. Claim 19 has been amended to indicate that the receiver support is a flexible substrate. Support for this can be found in the specification on page 14, line 16.
5. Claim 22 has been amended to replace the comma at the end of the sentence with a period.
6. Claim 25 has been amended for clarity. No new matter has been introduced.
7. Claim 28 has been amended to insert "the" between "wherein" and "planarizing."
8. Claim 30 has been amended to:
 - a. more particularly point out and distinctly claim the thermally imageable layer; and
 - b. include in the method a step of applying a planarizing layer.
9. Claims 32 and 34 have been amended to recite treatment agents.
10. Claims 35 and 36 have been amended to more clearly recite the mode of treatment.
11. Claims 38 and 39 have been amended so that they do not depend on a canceled claim.
12. Claim 39 has also been amended to more particularly point out and distinctly claim the planarizing layer. Also, the phrase "image receiving layer" was removed, since it had no antecedent.
13. Claims 40, 43 and 45 have been amended to more particularly point out and distinctly claim the subject matter thereof.
14. Claims 47 – 52 have been added to more particularly point out and distinctly claim certain embodiments of the process of claim 14. The subject matter of claims 47-52 was originally presented in claims 6 – 11.

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Rejections under 35 U.S.C. § 112

Claims 4, 8, 9, 14-29, 39 and 40-46 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants thank the Examiner for the careful reading of the claims and for his helpful comments. Claims 4, 8, 9, 24, 27, 29, and 41-42 have been canceled. Claims 14 and 17 have been amended to correct the spellings. Claim 39 has been amended to address the lack of antecedent basis for "the image receiving layer." Claim 40 has been amended to more particularly point out and distinctly claim the invention.

Rejections under 35 U.S.C § 102

Claims 1-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Andrews et al. (US-2003/0049547). The cited patent application has a common inventor (Gerald Andrews) with the instant application. Claims 1-23, 25, 26, 28, 30-36 and 40-46 were rejected under 35 U.S.C. §102(e) as being anticipated by Andrews et al. (US 6,921,614). The '614 patent has a common inventor (Gerald Andrews) with the instant application.

An Affidavit has been filed under 37 CFR §1.132, declaring that the subject matter of (US-2003/0049547) and US 6,921,614 relied on for the rejections was the invention of Gerald Andrews. Applicants assert that this Affidavit overcomes the rejections.

Claims 1-8, 10-16, 30-36 and 40-46 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Mizuno et al. (US 6,228,543).

Although Mizuno et al. discloses thermal transfer layers with crosslinkable plasticizer oligomers, Mizuno does not disclose, teach or suggest the use of binders with a number average molecular weight of 10,000 to 70,000. Applicants further assert that Claim 14 is not anticipated by or obvious over Mizuno because Mizuno et al does not disclose or suggest a receiver element comprising a receiver support and an image receiving layer comprising a crosslinkable binder. Moreover, claims 30-36,

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40 and 43-46 are not anticipated by or obvious over Mizuno because Mizuno does not disclose or suggest the use of a planarizing layer. Applicants assert that claims 14, 30-36, 40 and 43-46 are allowable over Mizuno et al.

Claims 1-6 and 8-16 were rejected under 35 U.S.C. §102(b) as being anticipated by Schneider et al. (US 6,638,699). Schneider et al. discloses thermal transfer layers with crosslinkable polymers with number average MW of less than 20,000. Applicants assert that Claim 14 is not anticipated by or obvious over Schneider because Schneider does not disclose or suggest a receiver element that comprises both a receiver support and an image receiving layer comprising a crosslinkable binder. Therefore, Applicants assert that claim 14 is allowable over Schneider et al.

Claims 1-23 were rejected under 35 U.S.C. §102(b) as anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Blanchet-Fincher et al. (US 6,143,451). Blanchet-Fincher et al. discloses thermal transfer layers with crosslinkable oligomer resins. However, Blanchet-Fincher et al. does not disclose receiver elements wherein the image receiving layer comprises a crosslinkable binder having a number average molecular weight of about 1,500 to about 70,000 (as recited in instant claim 14); nor does Blanchet-Fincher disclose or suggest a rigid substrate as the receiver element (as in instant claims 20 – 23), or adhesives or siloxane coupling agents on the receiver substrate (as in instant claim 21). Applicants therefore submit that claims 14 and 17-23 are allowable over Blanchet-Fincher et al.

Claims 1-23, 30-32 and 36 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under U.S.C. §103(a) as obvious over Reardon et al. (US 5,395,729). Reardon et al. disclose thermal transfer layers with crosslinking resins of low MW oligomers. However, Applicants assert that the claimed invention as described in Claims 14 and 17-19 is not anticipated by or obvious over Reardon because Reardon et al does not disclose or suggest a receiver element that comprises both a receiver support and an image receiving layer comprising a crosslinkable binder, nor does Reardon disclose, teach or suggest a rigid substrate as the receiver element (as in instant claims 20 – 23), or adhesives or siloxane coupling agents on the receiver substrate (as in instant claim 21). Moreover, claims

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30-32 and 36 are not anticipated by or obvious over Reardon because Reardon does not disclose or suggest the use of a planarizing layer. Therefore, Applicants assert that claims 14, 1-23, 30-32 and 36 are allowable over Reardon et al. The other claims cited in this rejection have been canceled.

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CONCLUSION

In view of the foregoing, Applicants submit that pending claims 14, 17-23, 25, 26, 30-36, 38-40, and 43-52 are allowable over the art of record and are in condition for allowance.

Respectfully submitted,



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